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9 Schering Corporation

FILED

JUL 13 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 NANCY COFFMAN, Individually and as
14 the Mother and Guardian Ad Litem for
15 ALLYSON MARIE COFFMAN and
16 KEVIN ALLEN COFFMAN, Minors;
17 ALLYSON MARIE COFFMAN, a Minor
18 by and through her Guardian Ad Litem
19 NANCY COFFMAN, KEVIN ALLEN
20 COFFMAN, a Minor by and through his
Guardian Ad Litem NANCY COFFMAN,

Plaintiffs,

vs.

SCHERING CORPORATION;
SCHERING-PLOUGH CORPORATION;
SCHERING-PLOUGH HEALTHCARE
PRODUCT SALES CORPORATION;
and DOES 1 through 15, Inclusive,

Defendants.

Case No.: C05-01521 MJJ

The Honorable Martin Jenkins

**STIPULATION AND ORDER
DISMISSING SCHERING-PLOUGH
CORPORATION AND SCHERING-
PLOUGH HEALTHCARE
PRODUCTS SALES
CORPORATION**

1 Schering Corporation fully assumes all of the liabilities, obligations and defenses of
2 Schering-Plough Corporation, White Laboratories, Inc., and their successors,
3 subsidiaries, transferors, or assigns for the manufacturing, testing, distributing, and
4 promotion of the dienestrol/Synestrol prescribed to and ingested by Helen Lorraine
5 Padula. Schering Corporation warrants and represents that to the extent such
6 documents exist reflecting the manufacture, distribution or promotion of
7 dienestrol/Synestrol, Schering Corporation has possession and control of all existing
8 documents reflecting the aforementioned business activities of Schering-Plough
9 Corporation, White Laboratories, Inc., and their successors, subsidiaries, transferors,
10 or assigns.

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15 2. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), the operative
16 Complaint in the above-captioned case is hereby dismissed without prejudice as to
17 Defendants Schering-Plough Corporation and Schering-Plough HealthCare Products
18 Sales Corporation.

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20 DATED: July 12, 2005

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22 Hersh & Hersh

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24 By /s/ Rachel Abrams
25 Rachel Abrams
26 Attorneys for Plaintiffs
27
28

1 DATED: JUL 12 2005

2 REED SMITH LLP

3 By

4 David Stanley
5 Attorneys for Defendant
6 Schering Corporation

7 IT IS SO ORDERED:

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10 JUDGE MARTIN JENKINS

11 REED SMITH LLP
12 A limited liability partnership formed in the State of Delaware
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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed in the office of a member of the bar of this court at whose direction the service was made. My business address is REED SMITH LLP, 355 South Grand Avenue, Suite 2900, Los Angeles, CA 90071. On July 13, 2005, I served the following document(s) by the method indicated below:

**STIPULATION AND ORDER DISMISSING SCHERING-PLough CORPORATION
AND SCHERING-PLough HEALTHCARE PRODUCTS SALES CORPORATION**

VIA EMAIL THROUGH COURT ORDERED EFILING PROCESS

by transmitting via facsimile on this date from fax number 213.457.8080 the document(s) listed above to the fax number(s) set forth below. The transmission was completed before 5:00 p.m. and was reported complete and without error. The transmission report, which is attached to this proof of service, was properly issued by the transmitting fax machine. Service by fax was made by agreement of the parties, confirmed in writing.

by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.

by placing the document(s) listed above in a sealed envelope(s) and by causing personal delivery of the envelope(s) to the person(s) at the address(es) set forth below. A signed proof of service by the process server or delivery service will be filed shortly.

by placing the document(s) listed above in a sealed envelope(s) and consigning it to an express mail service for guaranteed delivery on the next business day following the date of consignment to the address(es) set forth below. A copy of the consignment slip is attached to this proof of service.

Nancy Hersh, Esq.
Hersh & Hersh
601 Van Ness Avenue, Suite 2080
San Francisco, CA 94102
T: (415) 441-5544 F: (415) 441-7586
Attorneys for Plaintiffs

I declare under penalty of perjury under the laws of the United States that the above is true and correct. Executed on July 3, 2005, at Los Angeles, California.

Deborah Levenstein